

Message Text

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EXDIS

FOR THE SECRETARY AND DEPUTY SECRETARY

DEPT PASS TO SEC DEF AND CHAIRMAN, JCS

E.O. 11652: GDS

TAGS: PBOR, UN

SUBJ: LOS: STRAITS

1. AMB. STEVENSON MET WITH AMB. ROSENNE OF ISRAEL TO INQUIRE ABOUT DISCUSSIONS OF LAST SUMMER REGARDING EXCLUSION OF STRAIT OF TIRAN FROM FREE TRANSIT PROVISIONS OF LOS TREATY. IN VIEW POSSIBILITY THAT ATTEMPTS MAY BE MADE BY OPPONENTS OF FREE TRANSIT TO RALLY LDC SUPPORT AT NAIROBI GROUP OF 77 MEETING IN APRIL, IT WAS INCREASINGLY IMPORTANT THAT WE TRY TO WORK OUT A COMMON POSITION AS SOON AS POSSIBLE WITH SUPPORTERS OF FREE TRANSIT, PARTICULARLY SOVIETS AND NATO COUNTRIES. (DURING SUMMER, WE INFORMED ROSENNE OF SOVIET VIEW THAT ARAB SUPPORT FOR FREE TRANSIT IN STRAITS IS POSSIBLE IF -- AS IN SOVIET STRAITS ARTICLE -- DEFINITION OF STRAITS DOES NOT HAVE EFFECT OF APPLYING FREE TRANSIT TO STRAIT OF TIRAN. NOTING THAT FREE TRANSIT IS INTENDED PRIMARILY AS A SUBSTITUTE FOR FREEDOM OF NAVIGATION AND OVERFLIGHT IN STRAITS WIDER THAN SIX MILES, AND THAT UNDER CURRENT LAW THERE IS ONLY A NON-SUSPENDABLE RIGHT OF INNOCENT PASSAGE IN TIRAN, WHICH IS NARROWER THAN SIX MILES, WE INQUIRED AT THAT TIME AS TO GOI VIEWS ON APPLYING NON-SUSPENDABLE INNOCENT PASSAGE,

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BUT NOT ASKING FOR FREE TRANSIT, IN TIRAN AND AQABA. THUS,

WE WOULD NOT BE ASKING FOR NEW RIGHTS OF OVERFLIGHT OR SUBMERGED TRANSIT IN TIRAN WHICH DO NOT CURRENTLY EXIST THERE, BUT WOULD SEEK LANGUAGE CONFIRMING EXISTING RIGHTS.)

2. ROSENNE REPLIED THAT HE HWD BEEN UNABLE TO GET GOI TO FOCUS ON PROBLEM, BUT WOULD TAKE IT ON HIS OWN RESPONSIBILITY TO REPLY, AND WOULD INFORM GOI AND EMBASSY IN WASHINGTON OF HIS REMARKS. ROSENNE MADE FOLLOWING POINTS:

1) HE AGREED IT WAS VERY IMPORTANT TO UNIFY FREE TRANSIT SUPPORTERS AND TO TRY TO HEAD OFF COMMON LDC POSITION.

2) PRIMARY ISRAELI INTEREST AT LOS CONFERENCE IS IN STRAITS OF GIBRALTAR AND BAB-EL-MANDEB IN THAT ORDER. ANY MODUS VIVENDI WITH EGYPT IN CONTEXT ME NEGOTIATIONS IS LIKELY TO INCLUDE STRAIT OF TIRAN AND GULF OF AQABA AND POSSIBLY AFTER GOI CONSIDERS MATTER, BAB-EL-MANDEB AS WELL.

3) IT IS VERY IMPORTANT NOT TO INJECT MIDDLE EAST PROBLEM IN LOS CONFERENCE, WHICH COULD WRECK IT. HE FEARED MIDDLE EAST WAR HAD ALREADY WRECKED PROSPECTS FOR SUCCESSFUL LAWS OF WAR CONFERENCE IN FEBRUARY NOT ONLY BECAUSE OF POW ISSUES BUT BECAUSE OF BROADER PROBLEMS.

4) AN IMPORTANT ISSUE IF TIRAN IS EXCLUDED FROM FREE TRANSIT IS RELATIONSHIP OF NEW TREATY TO EXISTING LAW. HE NOTED REFERENCE TO QTE FREE AND INNOCENT PASSAGE UNQTE IN SC RESOLUTION, AND TO NON-SUSPENDABLE INNOCENT PASSAGE UNDER 1958 CONVENTION, AS WELL AS AMBIGUOUS SOVIET REMARKS. IF SOVIETS AGREED THAT NON-SUSPENDABLE INNOCENT PASSAGE APPLIES STRAITS ARTICLE WOULD BE NET ADVANTAGE FOR ISRAEL.

5) IN LIGHT ABOVE CONSIDERATIONS, HE FELT US COULD ACCEPT SOVIET DEFINITION OF STRAITS PROVIDING NON-SUSPENDABLE INNOCENT PASSAGE PRESERVED FOR STRAIT OF TIRAN AND AQABA, AND COULD GO AHEAD WITH CONSULTATIONS WITH SOVIETS ON THIS BASIS DURING CURRENT CONFERENCE SESSION. HE AGREED TO REVIEW LANGUAGE WITH US NEXT WEEK.

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3. WE INFORMED ROSENNE WE WOULD ACCORDINGLY PLAN TO DISCUSS LANGUAGE WITH HIM AND WITH SOVIETS NEXT WEEK.

4. AMB. ROSENNE WAS ACCOMPANIED BY PROF. BLOOM, AND AMB. STEVENSON BY MR. OXMAN.
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